



General Assembly

Substitute Bill No. 6856

January Session, 2007

* _____HB06856ENV____032207_____*

**AN ACT ENABLING MUNICIPALITIES TO ESTABLISH A
STORMWATER AUTHORITY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2007*) (a) Any municipality
2 may, by ordinance adopted by its legislative body, designate any
3 existing board or commission or establish a new board or commission
4 as the stormwater authority for such municipality. If a new board or
5 commission is created, the municipality shall, by ordinance, determine
6 the number of members thereof, their compensation, if any, whether
7 such members shall be elected or appointed, the method of their
8 appointment, if appointed, and removal and their terms of office,
9 which shall be so arranged that not more than one-half of such terms
10 shall expire within any one year.

11 (b) The purposes of the authority shall be to (1) develop a
12 stormwater management program, including, but not limited to, a
13 program for construction and postconstruction site runoff control,
14 pollution prevention and the detection and elimination of discharges,
15 and (2) provide public education and outreach in the municipality
16 relating to stormwater management activities and to establish
17 procedures for public participation. In accomplishing the purposes of
18 this section the authority may plan, layout, acquire, construct,
19 reconstruct, repair, maintain, supervise and manage stormwater
20 control systems.

21 (c) The authority may adopt regulations to implement the
22 stormwater management program.

23 (d) The authority may enter into contracts with any municipal or
24 regional entity to accomplish the purposes of this section.

25 Sec. 2. (NEW) (*Effective October 1, 2007*) (a) The stormwater authority
26 of a municipality may (1) levy and collect assessments upon the lands
27 and buildings within its jurisdiction, and (2) establish, revise and
28 collect rates, fees, charges, penalties and assessments to provide for
29 municipal stormwater management controls and stormwater
30 management education and research.

31 (b) Whenever any assessment is made as provided in this section,
32 such assessment may be (1) uniform for all users of the municipality,
33 (2) based on use, or (3) apportioned among properties benefited
34 according to regulations adopted by the authority, based on (A) area,
35 street frontage, assessed valuation of the land in the last-completed
36 grand list of the municipality, the present or permitted use of any real
37 property in the area; or (B) methods deemed appropriate by the
38 authority, including, but not limited to, a property's impervious cover
39 determined by aerial photography, site inspections, existing water
40 databases, tax assessor data, zoning classifications, soil type,
41 topography, tree canopy, property use and average trips generated by
42 the property. The authority may make reasonable reductions on a
43 specific assessment upon determination, based on regulations adopted
44 by the authority, that the condition or situation of a property requires
45 such reduction. The provisions of sections 7-139 to 7-145, inclusive, of
46 the general statutes shall be applicable to assessments under this
47 section.

48 (c) If any assessment is determined to be not valid or not
49 enforceable, a new assessment may be made in the manner provided
50 in subsection (a) of this section for the determination of the original
51 assessment. If any assessment is made which is not sufficient to cover
52 the entire cost of the work to be paid for by such assessment, a

53 supplementary assessment may be made by the authority against
54 those properties previously assessed, in an amount sufficient to pay
55 the cost of such work, provided the total of such supplementary
56 assessment and the original assessment shall not exceed the value of
57 the special benefit accruing to the property against which the benefit is
58 assessed.

59 (d) Any assessment of benefits, including any installment thereof,
60 and any charge, fee, fine or other amount that is unpaid for a period of
61 thirty days after the due date shall be delinquent, shall be subject to
62 interest and shall constitute a lien upon the premises served and a
63 charge upon the owner thereof all in the manner provided by the
64 provisions of the general statutes for delinquent property taxes.

65 Sec. 3. (NEW) (*Effective October 1, 2007*) The authority may elect to
66 defray the cost thereof by issuing bonds or other evidences of debt, or
67 from general taxation, special assessment or any combination thereof.
68 If it elects to defray any part of such cost from special assessment, it
69 may apportion and assess such part upon the lands and buildings in
70 the municipality which, in its judgment, are especially benefited
71 thereby, whether they abut on such stormwater systems or not, and
72 upon the owners of such lands and buildings, subject to the right of
73 appeal as provided in section 7-142 of the general statutes. Such
74 assessment may include a proportionate share of any expenses
75 incidental to the completion of such stormwater system, such as fees
76 and expenses of attorneys, engineers, surveyors, superintendents or
77 inspectors, the cost of any property purchased or acquired for such
78 work, interest on securities, the cost of preparing maps, plans and
79 specifications, and the cost of printing, publishing or serving
80 advertisements or notices incidental thereto. The authority may divide
81 the total territory to be benefited by any stormwater control system
82 into sections and may levy assessments against the property benefited
83 in each section separately. In assessing benefits against the property in
84 any section, the board may add to the cost of the part of the
85 stormwater control system located in such section a proportionate
86 share of the cost of any part of such system located outside the section

87 which is useful for the operation or effectiveness of that part of such
 88 system within the section and of any of the other items of cost or
 89 expense enumerated in this section.

90 Sec. 4. (NEW) (*Effective October 1, 2007*) When any stormwater
 91 improvement or protection project or system is located within two or
 92 more municipalities, such municipalities, acting by their stormwater
 93 authority, may jointly undertake any such action as is authorized by
 94 sections 1 to 3, inclusive, of this act.

95 Sec. 5. (NEW) (*Effective October 1, 2007*) (a) Notwithstanding the
 96 provisions of sections 22a-475 to 22a-483, inclusive, of the general
 97 statutes, the Commissioner of Environmental Protection may provide
 98 grants and loans, from any account in the Clean Water Fund, to
 99 municipalities or stormwater authorities, established pursuant to
 100 sections 1 to 4, inclusive, of this act, for the costs incurred for
 101 stormwater management programs.

102 (b) The Commissioner of Environmental Protection shall adopt
 103 regulations, in accordance with the provisions of chapter 54 of the
 104 general statutes to implement the provisions of sections 1 to 4,
 105 inclusive, of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	New section
Sec. 2	<i>October 1, 2007</i>	New section
Sec. 3	<i>October 1, 2007</i>	New section
Sec. 4	<i>October 1, 2007</i>	New section
Sec. 5	<i>October 1, 2007</i>	New section

Statement of Legislative Commissioners:

In subsection (b) of section 1 "of" was inserted after "elimination" and in subsection (d) "both" was deleted for clarity.

ENV **Joint Favorable Subst.-LCO**